

MINUTES

PUBLIC TRANSPORTATION COMMISSION

WEDNESDAY, APRIL 8, 2009

COUNTY COMMISSIONERS' BOARD ROOM

601 E. KENNEDY BLVD., SECOND FLOOR

I. CALL TO ORDER

The meeting of the Public Transportation Commission was called to order by Chairman Kevin White at 9:11 a.m. The following Commission members were present:

*Chairman Kevin White
Commissioner Rose Ferlita
Commissioner Ken Hagan
Commissioner Dan Raulerson
Councilman Joseph Caetano
Councilman John Dingfelder
Councilman Mark A. Knapp*

*Board of County Commissioners
Board of County Commissioners
Board of County Commissioners
City of Plant City
City of Tampa
City of Tampa
City of Temple Terrace*

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Kevin White led the Commission in the invocation and pledge of allegiance.

III. SWEARING IN OF WITNESSES

Chairman Kevin White performed a mass swearing in of the witnesses wishing to speak before the Commission.

IV. AUDIENCE PARTICIPATION

Charlies Smalling spoke first. He asked the PTC about NEV's. He said that there was conversation regarding the PTC being asked to regulate these vehicles. However, he said that the United Cabdrivers of Tampa questioned whether the PTC would use the current taxi laws to regulate these vehicles or if the rules would be changed to accommodate NEV's. He said that Florida Department of Transportation Laws State NEVs can not travel on any road over 35 miles an hour neither are they to be driven on any major highways which includes Florida Avenue and Kennedy Boulevard. He said that taxi drivers are against the PTC regulating NEVs. He also said that the vehicles were unsafe and asked if the PTC would be liable if an accident happened.

Chairman White asked if anyone else wanted to speak and Christopher Ireland, the owner of Green Go's Tampa, Inc. was the next speaker. He stated that owners of the NEV's were not trying to compete with the taxicab industry and that their only goal was to complement the other modes of transportation in downtown Tampa. He said that his business had been in operation for over a year and that the business has been well received by and appreciated by downtown residents and office workers. He stated that the vehicles are street legal and low speed and that since speed kills in traffic accidents, he felt that his vehicles were not any more prone to be in accidents than other types of vehicles. His company is made up of four partners, including himself, all of who are owner/operators and that they would not put people's lives in jeopardy. They are a green business and they want to promote eco-friendly transportation. He said that the MPO has plans to implement to use of NEV's, in the future. He suggested being proactive and funding special paths and roads

where the vehicles have been operating in designated roads. He said that the public safety issues were hearsay in his opinion. He said that he felt the issue was the competition, but he also said that he did not want to compete with other services. He said that his company would bring passengers to the cab stands if they want to go somewhere outside of their five-mile radius.

The next speaker was Luis Lara, president and founder of Joyride. He said that his company was started in May of 2008 and has been operating in the Tampa downtown area since August, 2008. He said that although he has been aware of an issue of the PTC regulating NEV's, he has not spoken until this time since it appears that the PTC is entertaining concerns from the taxi industry about NEV's entering the market. Until this point, he said that he was happy with the commission's findings concerning the issue brought up by the taxi industry. However, he felt that it was prudent to approach the PTC and voice his position due to the regulatory options that are being considered by this agency. Mr. Lara summarized that he and others in the industry researched and with creativity and hard work they built small business that have significantly and positively impacted the downtown Tampa area and become a welcomed service in the area. He pointed out that his business, and others like his, have provided jobs and have aided Tampa in becoming a pedestrian city. He also pointed out that these businesses also provide assistance to citizens who may be inebriated. He did not feel that the PTC welcomed these types of business because of the discussions at recent PTC meetings. He stated that he and other NEV owners have followed every rule and regulation set by the United States and the State of Florida regarding these vehicles. He stated that they have been cooperative with the PTC and even though there have been no safety issues, he felt that they were being continually scrutinized and accused of being unsafe, unfair and illegal by their direct competitors. Although he felt that the taxi industry was entitled to its agitation, he worried about restrictions from the PTC that would affect the way his company operates. He did not think that they should be a stranglehold on the industry.

- V. REPORTS – For receipt and filing.
 - A. Inspector's Report – March, 2009
 - B. Fiscal Year Status Report
 - C. Year-to-Date Report
 - D. Draft PTC Audit from Ernst & Young - Year Ended September 30, 2008

Motion to receive and file all reports was made by Commissioner Ferlita, seconded by Councilman Caetano and carried unanimously.

Mr. John Disanto, Executive Director with Ernst & Young, a partner on last year's PTC audit addressed the Board regarding the 9/30/08 PTC audit to go over the results with them. There was a draft provided with the books, but he brought the final at today's PTC meeting and submitted them to the Board. He said that there were no changes made to the draft document. He explained that auditor's responsibilities for the record with respect to financial statements and internal controls. Ernst and Young issued a clean or unqualified audit opinion on the PTC's financial statements for the fiscal year ended September 30, 2008, with no major issues, significant audit adjustments, none were made during the audit, no disagreements with management, no consultations other than accountants, no serious difficulties performing the audit and excellent cooperation from the PTC and staff and Hillsborough County and its staff. The PTC did adopt GASB, Accounting Standard number 45 regarding post-employment benefits for health care. The impact was \$4,800.00 to the County to provide for those future benefits. There were no unusual accounting estimates for transaction-- no fraud or illegal acts, and no significant deficiencies or material weaknesses regarding internal controls. There were no management letter comments regarding improving controls and policies in 2008 or 2007. Ernst and Young is independent of the PTC and the audit is performed with integrity and independence. He asked if there were questions and there were none.

VI. CONSENT ITEMS

- A. March 11, 2009 Public Transportation Commission meeting minutes
- B. Approval of Public Vehicle Driver's Licenses – March, 2009
- C. Administrative Change Application from Action Towing, Inc. for a location change
- D. Administrative Change Application from Florida Limousine Services, LLC for an ownership and name change from Airport Car Service, Inc., d/b/a Airport Limo of Tampabay to Florida Limousine Services, LLC, d/b/a Airport Limo of Tampabay
- E. Administrative Change Application from La Liberty Sedan and Limousine, Inc. on their limousine certificate for a board member change adding Brian J. Waugh, CEO
- F. Administrative Change Application from La Liberty Sedan and Limousine, Inc. on their van certificate for a board member change adding Brian J. Waugh, CEO
- G. Administrative Change Application from Luxury Sedan and Limousine Corp. for a name change from Enmotion Limousine Service, Inc. to Luxury Sedan and Limousine Corp.
- H. Administrative Change Application from Olympus Limo, Inc. for a board member change adding Brian J. Waugh, CEO
- I. Administrative Change Application from National Auto Collision Centers, Inc. adding Rosalind Vazquez and an owner
- J. Administrative Change Application from Resort Transportation Services, LLC on their van certificate for a name change from Studio Limousine Service, Inc. to Resort Transportation Services, LLC
- K. Administrative Change Application from Resort Transportation Services, LLC on their limousine certificate for a name change from Studio Limousine Service, Inc. to Resort Transportation Services, LLC
- L. Administrative Change Application from Southern Towing and Recovery, Inc. for a location change

Motion to approve the consent agenda was made by Councilman Caetano, seconded by Commissioner Ferlita and carried unanimously.

VII. ATTORNEY'S REPORT

- A. Neighborhood Electric Vehicles - Follow - up re legislative/regulatory options

Attorney Orlando Perez gave his report regarding NEV's. He was requested to prepare this report at the last PTC meeting and give the PTC what its options are regarding this matter. He briefly summarized the conversation regarding this matter that occurred at the last PTC meeting. Attorney Perez said that the states are all regulating these vehicles in many ways. Florida Law says that as long as the roadway is marked for 35 miles per hour or less the vehicle is allowed if it has the affirmation of the city or county. These vehicles must be registered and insured and the drivers have to have valid Florida Driver's licenses (no special class) to operate them. Attorney Perez also wanted to address some of the Boards concerns regarding safety and what the options are. The Board could amend its Special Act, or ask for general legislation that would apply statewide which the PTC could advocate. A local government could act without a legislative or local action

(he provided a list of options). A change in state or federal law (which would apply nationally), that would dictate safety standards on NEV's like headlights, taillights, windshield, etc. by the Department of Transportation which could require additional safety features. State law could be revised to require additional safety standards. State Laws could be amended to address the practice of soliciting for transportation or passengers. Attorney Perez said that if the PTC would like to have jurisdiction of over these vehicles, he recommends changes to the Special Act to make it clear that the PTC would have jurisdiction. Under those circumstances, rules could be developed that would address safety concerns.

Options that require not changes in the law would be that cities and counties under the existing state law would have the ability to prohibit operation on the low speed limit roads if necessary, due to safety concerns or they could require a whole regulatory structure which would require the permitting of the vehicles.

The City of Tampa requires a permit for the operation of pedi-cars and rickshaws that are not motor driven. The city set up a mechanism for those types of transport which requires a certain level of insurance and possibly background checks on drivers.

The last option would be to continue to monitor developments of the service and coordinate with the appropriate law enforcement agencies regarding any alleged violations. For example, at this meeting, there were allegations of these vehicles not limiting themselves to the low speed limit roads. Under those circumstances, law enforcement would probably need to be involved.

Recently, PTC staff met with the Downtown Partnership and the NEV service providers to explore different options about that industry and to express the Board's concerns.

Chairman White wanted to thank both the taxicab industry and the NEV industry for bringing their issues to the table and discussion the options and remedies to their problem. Chairman White said that he had seen NEV's operating as far west as Howard Avenue and Armenia Avenue both of which are high-speed road. He said that the PTC does not regulate them, but he felt some sort of mechanism should be in place to regulate NEVs. He felt that some kind of regulations needed to be put in place. He congratulated the members of both industries communicating for attempting see if they can come to an agreement and how the NEV industry should be regulated.

Councilman Dingfelder said that this issue had been a learning experience for him. He said that he did not know that there was a city ordinance that regulated horse-drawn vehicles and pedi-cabs requirement them to get a permit. Therefore, Councilman Dingfelder suggested that the City Council should visit this issue. He said he felt that the City Council should investigate the matter because he has heard that these vehicles venture to the Westshore Mall or to International Plaza.

Councilman Dingfelder wanted to suggest to the Tampa City Council that the same City regulations that are in existence for pedi-cabs and horse-drawn vehicles should include NEV's. He suggested that there might be a necessity for a geographic constraint of Ybor City, Channelside Drive, Downtown Tampa and as far as the Howard Avenue entertainment district. Councilman Dingfelder said that he would let the PTC know if the City of Tampa Council and the Mayor are interested.

Councilman Mark A. Knapp spoke next saying that his was an area where he had some experience. He said that he had some experience in this area in the City of Temple Terrace where golf carts are frequently used for transportation. The golf carts in Temple Terrace have registered and they can only be used to transport individuals from their domiciles to the golf course and back. Councilman Knapp discussed how this issue could continue to expand as it becomes more and more popular, it would need regulation. It was his belief that the County already has restrictions and regulations in place and that those rules could be used as a model.

Attorney Perez said that the County does have an ordinance regarding golf carts. However, the NEV's, although they are similar in appearance, are a different class of vehicle because they are faster and have

additional safety features. The NEV's have a State law that actually gives them an affirmative authority to operated on low speed roads and a City would have to take action to prevent it whereas, with golf carts, it would be the other way around. Local governments have to authorize them on certain roads.

Councilman Knapp said that the safety issues pertained to alterations to standard golf carts to include a higher-speed motor, seat belts, and turn signals and then they would need to have a license plate and be registered like a regular car. Therefore, he felt the NEV's would be treated the same way. Attorney Perez agreed.

Luis Lara, of Joyride Transportation Services addressed the Board again. He felt that changes to the law and regulation would limit the way businesses like his operate and would not be necessary for safety. It was his position that NEV businesses are in compliance with all Federal Safety Regulations set by the United States Department of Transportation, National Highway Traffic Safety Administration Federal Motor Vehicle Safety Standards. He felt the PTC's regulations or any other government board or council would be excessive to validate the safety of the vehicles since their drivers do preventative maintenance each day. He also said that from the beginning of the existences of services like his, there have been no accidents or incidences to cause concern about safety and that the vehicles are certified as safe by federal standards. Mr. Lara said that the previous speakers represented his direct competitors, the taxi industry, and that their claims are baseless regarding lack of safety features on the NEV's. He told the Board that if they decide to change laws or regulations that disable the electric car industry in Tampa, the Board would be siding specifically with the taxicab industry and stifling the entrepreneurial spirit and ingenuity that created most small businesses in Tampa. Mr. Lara said that Hillsborough County would be the only county in Florida with this kind of regulation and the balance of supply and demand would be skewed therefore prohibiting the kind of service that the citizens of Tampa have stated that they want as evidenced by the fact that they voluntarily use the service and peacefully coexists with taxis. He asked that the PTC represent the people of Tampa by not changing the laws and regulations that alter or limit their operation of the electric car shuttle services.

Chairman White responded to Mr. Lara by saying that one of the items discussed was that the NEV's are licensed or controlled by the FDOT to operate on roads of 35 miles per hour or less and the Chairman said that he has seem then on roads marked at 40 miles per hour or higher with passengers in them. Therefore, the cab industry's safety concerns would not be baseless. It appears that what is being said is that the vehicles are being operated on a road with a higher speed limit than they should be traveled upon. For instance, if they were traveling east or west on Kennedy Boulevard and someone runs a stop sign or red light, even doing 30 miles per hour, and hit an NEV, it will be a catastrophe. Therefore, that appears to be what the claims are about.

Christopher Ireland of Green Go's Tampa agreed with the Chairman's comments. He does believe that there should be some kind permitting, not to regulate, but to allow the industry to continue operating as they are because he would like to the Stadium area included in the territory that he can serve. Mr. Ireland said that his business is an advertising agency and their objective is to get out to as many people as possible. So, he wants his company to be able to operate on the residential streets of Woodlawn and Ohio during the Bucs games. Mr. Ireland said that there is a lot of pedestrian activity because people park a good distance away from the Stadium to get to the games. He said that older people and disabled people were very receptive to the service so that they could be taken back and forth from the Stadium to Woodlawn and Ohio streets. Mr. Ireland was concerned about providing NEV service to the Raymond James Stadium area and said that this area was big for his business. He repeated that his partners are owner/operators and that they restrict everything at 35 miles per hour or less. He stated that he knew every road in downtown Tampa that has a 35 mile per hour speed limit. Mr. Ireland said that including the driver, there should only be six people in those vehicles. Also, he said that the speed limit changes to beyond 35 miles per hour on Kennedy west of Boulevard, so that is as far as his vehicles will go. He said that his vehicles do not travel on the Brorein Bridge and that his company cares about safety first and foremost in an eco-friendly manner.

The next speaker was Brook Negusei of Cab Plus. He said that he did not feel that the cab industry was “going after” the NEV industry, but he was concerned about fairness. It was his feeling that the taxicab industry has a lot of regulatory burden and he recounted some of those items. He said that taxicabs cannot “cherry pick” their fares, they have to take any fare and be available 24 hours a day and he feels that is not fair. He was also concerned about safety issues. He agreed that the downtown area has a need for this type of service, but did not think they the NEV’s should be in other areas of the city and he just wanted it to be fair.

Councilman Knapp had a question for Attorney Perez. He wanted verification that the PTC was trying to determine if they have jurisdiction over NEV’s because they do not charge a fare.

Attorney Perez said that jurisdiction is one of the issues because of the nature of the service since they do accept tips, but there is no charge for the service itself, so it does not appear that it would be within the PTC’s jurisdiction and his conservative advice would be additional legislative authority.

Councilman Knapp said that he asked because it is clear to him that these services do receive compensation and that he feels it is not free because the compensation comes from advertisements on the side of the vehicles. It is his belief that if the companies are being compensated for transportation of civilians, it would fall under the PTC’s control. He wanted Attorney Perez to take another look and see if other counties have had this scenario.

Attorney Perez answered that the matter of advertisement as compensation was taken into consideration and there are other vehicles that just purely advertise. He used Verizon as an example when there were trucks used to advertise. So, in his opinion, advertising did not seem to be the intention of the Special Act. The advertising is in no way tied to the number of passengers or the distance of the trip or any of the other typical criteria that is contained in a rate structure as defined by the PTC for the compensation of transportation. It is totally independent of transporting people. The advertiser gets as much benefit out of the advertisement whether or not the vehicle contains passengers. So, when reviewing the issue, there was not direct tie between the passengers and the compensation as far as a charge for the trip and the trips see to be on a purely voluntary basis because the passenger could get into the vehicle, be taken to a destination, and suffer not consequence if they did not provide compensation to the driver or the company.

Councilman Knapp said that Verizon was not transporting civilians. Attorney Perez said that is correct. Councilman Knapp said that for him, that is the difference and Attorney Perez agreed that it could be seen that way. Councilman Knapp mentioned trucks that drive around with nothing but billboards and said that they are being compensated through advertising, but were not transporting civilians. He asked the question, if taxicabs decided not to charge a fare and just advertising all over their taxicabs and pick up people, would that mean that the PTC has no jurisdiction? Attorney Perez said that was a good question, but pointed out that the PTC members serve on other boards and councils which have home rule authority. So, unless they are expressly prohibited, they have the authority to act. But the PTC is different because it is an independent special district and it has no authority unless the legislature specifically grants it to the PTC. In that regard, the PTC cannot enforce something unless they are granted the clear authority to do so or seek a change to the law by and through the legislature. Councilman Knapp said that when issues like this come before the City of Temple Terrace, that council goes to the local state representative and asks him or her to seek permission to regulate. Therefore, it was his position that the PTC should do this with NEV’s. Attorney Perez repeated that a change was the law was one of the options that have been included in his research and directed the Board to his report.

Chairman White repeated that Councilman Dingfelder has already indicated that he would take the issue to the City Council and that the current legislative session is already in and it cannot be presented to them at this time. However, he reminded everyone that there should be continuing dialogue about the matter before it legislation is drafted.

Councilwoman Ferlita said that she spoke with Mr. DiMaio who said that discussion of this matter would be delayed since he thought that he would be speaking to Ms. Burdick regarding the NEV businesses. She said that she had many concerns and questions for which she needed answers. Councilwoman Ferlita said that her concern was public safety issues. She said that maybe Attorney Perez could look into the avenues of lobbying the legislative delegation. She did not want the downtown partnership to be liable for any of the aforementioned issues mentioned at this meeting. She stated that she was concerned also about fairness.

Charles Smalling spoke again. He said that he felt that the NEV's were not completely safe. He said that he believed that there were 18 deaths involving NEV's and golf carts last year in Florida and 259 injuries. He still felt that the laws should be implemented.

Karen Kress, Transportation Director at the Tampa Downtown Partnership said that the organization is an advertiser with two of the NEV companies. She said that the TDP felt that the electric cars provide a great service and that she supported Councilman Dingfelder's idea in regards to working closely with the City of Tampa and the City of Tampa Police Department to regulate the NEV businesses. Ms. Kress said that other cities call you and ask about implementing ordinances. She mentioned that St. Petersburg shared its policies with the PTC Director. She felt the vehicles and passengers are safe and that the service is much-needed in the downtown area and will work with anyone to come to a resolution.

Tim Ireland of Green Go's Tampa spoke next. His company and Hop Tampa purchased their carts from the manufacturer out of Fargo, North Dakota. The vehicles are not golf carts that have been made street legal. They are low-speed neighborhood electric vehicles. He said that the vehicles are eco-friendly and the vehicles that are being seen on Westshore and International Drive are not Green Go's Tampa vehicles or the vehicles of the other companies who were present at this meeting. He said that it could be people who live in those neighborhoods who are using Global Electric Motor Cars. He felt that these vehicles are good for Tampa because they are eco-friendly and clean and that everyone needed to work together to come to an agreement.

VIII. OLD BUSINESS

IX. NEW BUSINESS

A. Public Hearings

- a. Luxury Transportation of Tampa Bay, LLC d/b/a Tampa Town Car (Tampa, FL) – application for two (2) additional limousine permits

Director Padilla gave a summary of staff's recommendation for approval of the application for two (2) additional limousine permits for Luxury Transportation of Tampa Bay, LLC d/b/a Tampa Town Car. Chairman White asked if anyone wanted to speak regarding the application. The owner was present, but no one had questions.

Motion to approve the application for two (2) additional limousine permits was made by Councilman Dingfelder, seconded by Councilman Knapp and carried unanimously.

- b. The Ritz-Carlton, Sarasota (Sarasota, FL) – application for a certificate and two (2) limousine permits

Director Padilla gave a summary of the Hearing Officer's recommendation for approval of the application for a limousine certificate and two (2) limousine permits for The Ritz-Carlton, Sarasota. Chairman White asked if anyone wanted to speak regarding the application. The Ritz-Carlton representative was there. Councilman Dingfelder asked if they were restricted permits. They are not.

Motion to approve the application for a certificate and two limousine permits was made by Councilman Dingfelder, seconded by Councilman Knapp and carried unanimously.

2. Van Service Applications

- a. Ship or Shore Shuttle (Riverview, FL) – application for two (2) additional van permits

Director Padilla gave a summary of the staff's recommendation for approval of the application for two (2) additional van permits for Ship or Shore Shuttle. Chairman White asked if anyone wanted to speak regarding the application. The owner of Ship or Shore Shuttle was present, but no one wanted so speak.

Motion to approve the application for two (2) additional van permits was made by Councilman Dingfelder seconded by Councilman Knapp and carried unanimously.

B. Appeals of Public Vehicle Driver's License

1. Howard Smith – Express Towing

Director Padilla read staff's recommendation for denial of Howard Smith's PVDL.

Chairman White asked if Mr. Smith was present and he came forth. He said that he had a PVDL in 2007-2008 and that he is appealing because he could not get a PVDL the when he applied this year. The Chairman asked if Mr. Smith had more to add and he did not at the time, but Darren Whitman came up to the podium to speak on his behalf as Mr. Smith's potential employer. Mr. Whitman said that Mr. Smith had to move back to New Jersey to take care of his daughter and he was not able to renew. Mr. Whitman said that he would like to re-employ Mr. Smith.

There was a question as to why Mr. Smith had a PVDL before if he had criminal history. Director Padilla reminded the Board that back then, the PTC was not doing national background checks.

Councilman Dingfelder said that he would support Mr. Smith's application for a PVDL. He said that the incidents happened in 1986, 1991, 1997 and 1999 and that he felt had some issues growing up, but it looks like in the past couple of years there were no problems or suspensions.

Councilman Dingfelder moved approve Mr. Smith's application for a PVDL, seconded by Councilman Caetano motion passed 3 to 2 with Commissioner Ferlita and Chairman White dissenting.

2. William Hunt – (continued from the 3/11/09 PTC meeting) – Super Shuttle of Tampa Bay

Director Padilla read staff's recommendation for denial of William Hunt's PVDL.

Chairman White asked if Mr. Hunt was present and he was not.

Chairman White asked Director Padilla if Mr. Hunt let staff know before the meeting that he would not be present. Mr. Hunt did not.

Commissioner Ferlita moved deny Mr. Hunt's application for a PVDL, seconded by Councilman Dingfelder motion passed unanimously.

Councilman asked as a point of order or clarification if there is a delay period after a driver is denied. Director Padilla said that he can reapply within 12 months, but the decision usually carries over it the application is denied or the matter can be continued. However, Mr. Padilla informed the Board that this file was carried over from the last PTC meeting.

3. James Neuman – TBLimo.com

Director Padilla read staff's recommendation for denial of James Neuman's PVDL.

Chairman White asked if Mr. Neuman was present and he came forth.

Mr. Neuman said that he was at this meeting to appeal for his PVDL. He said that he had a license from about 2002 to 2006. He said that he went to Chicago with his wife, who was unable to attend this meeting. Mr. Neuman said that he is trying to start a new life and return to his old profession, but he was denied because of his criminal record which is over 18 years old. Mr. Smith said that he never had a complaint and this is potential employer was present with him at this meeting. This employer was present to serve as a character witness. Mr. Smith also had letters from his wife and other employer to present as witnesses to his character. He offered those letters to Chairman White who instructed him to give the letters to the clerk.

Moshe Leib from TBLimo approached the board. He said that Mr. Neuman worked for him for two years with a hack license and never had a problem and would give him his job back any time.

The next speaker was Jackson Darby. He said that he was currently driving with Metro Cars of Florida and that he had met Mr. Neuman as a taxicab driver around seven or eight years ago. He claimed that Mr. Neuman provided professional service to the public on a daily basis. Mr. Darby said that when Mr. Neuman became a town car driver, it inspired him to sell his cab and he also shifted into the town car business too. He said that he has heard glowing review and would trust Mr. Neuman with any of his clients.

Commissioner Ferlita said that in spite of the character references and resume, she did not feel that Mr. Neuman needed to get a second chance at the expense of passengers. She was concerned about public safety and said she would not support a motion for his request.

Councilman Dingfelder asked Director Padilla to confirm that Mr. Neuman was in the PTC's system and driving in the community for five or six years and Director Padilla confirmed that to be true. Director Padilla further confirmed the time period that Mr. Neuman had his license and explained that during that time, only Florida background checks were performed. Now, because the checks are nationwide, there is a difference because in some cases, there will be criminal history that was not seen in the past.

Councilman Dingfelder asked Mr. Neuman about his leaving the stated and Mr. Neuman explained that he got married and that his wife is currently in Chicago. He said he returned to Florida because he needed to take care of his parents who are ill. He continued to say that his customers and employers have been pleased with his performance. After Mr. Neuman gave told his story, Mr. Dingfelder suggested that if the PTC has concerns, that maybe Mr. Neuman should be approved on a one year probationary period.

Attorney Perez pointed out that the application made reference to submitting a letter from his wife to support his case and he wanted to reflect that the letter was received by PTC staff and is being circulated among the commissioners. He also wanted to point out to the Board that the number of arrests and charges are not so much the issue as the convictions, which the Board would need to analyze and uphold when making its decision to approve or deny. He also pointed out that there was a typo in the first item on the summary which happened in '95—it should have said that it was a false application for driver's license.

Chairman White just wanted to point out to all PVDL holders that there is a new system and if they let their PVDL's expire, a national check will now show any criminal history anywhere in the nation.

Councilman Dingfelder made a motion to approval of the application for PVDL of Mr. James Neuman with one year probation, seconded by Councilman Caetano, motion passes 3-2 with Chairman White and Commissioner Ferlita dissenting.

4. Antonio Fuller – Budget Limo, Inc.

Director Padilla read staff's recommendation for denial of Antonio Fuller's application for a PVDL.

Chairman White asked if Mr. Fuller was present and he was not.

Commissioner Ferlita moved to deny Mr. Fuller's application for a PVDL, seconded by Councilman Knapp, motion passed unanimously.

X. ADJOURNMENT

There being no further business, the meeting of the Public Transportation Commission adjourned at 10:38 a.m.

****This is not an official, verbatim transcript of the 4/8/09 PTC meeting. It should be used for informational purposes only****

Jacqueline E. Calleja, Administrative Specialist

NEXT COMMISSION MEETING – May 13, 2009